

District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Charleston

Date: 4/18/2013

Case Number 2:10-md-02187

Case Style: In Re: Bard vs.

Type of hearing Status Conference

Before the honorable: 2513-Goodwin

Court Reporter Lisa Cook

Courtroom Deputy Robin Clark

Attorney(s) for the Plaintiff or Government Henry Garrard, Fred Thompson, Bryan Aylstock, Carl Frankovitch

Attorney(s) for the Defendant(s) Barbara Binis, Robert Adams and Christy Jones

Law Clerk Kate Fife

Probation Officer

Trial Time

Non-Trial Time

Pretrial conference (including settlement and telephone conferences).

Court Time

10:10 am to 11:50 am

Total Court Time: 1 Hours 40 Minutes Non-Trial Time/Uncontested Time

Courtroom Notes

Scheduled start time 10:00 a.m.

Actual start time 10:10 a.m.

STATUS CONFERENCE

Judge Goodwin and Magistrate Judge Eifert presiding

2:10-md-2187 In Re: C. R. Bard, Inc., Pelvic Repair Systems Products Liability Litigation

2:12-md-2325 In Re: American Medical Systems, Inc., Pelvic Repair System Product Liability Litigation

2:12-md-2326 In Re: Boston Scientific Corp. Pelvic Repair System Products Liability Litigation

2:12-md-2327 In Re: Ethicon, Inc. Pelvic Repair Systems Products Liability Litigation

2:12-md-2387 In Re: Coloplast Corp. Pelvic Support Systems Products Liability Litigation

Counsel for parties present

Coordinating Co-lead counsel for Plaintiffs - Bryan Aylstock, Henry Garrard, Fred Thompson

Co-lead counsel for Boston Scientific MDL 2326 - Clayton Clark

Co-lead counsel for American Medical Systems MDL 2325 - Amy Eskin and Fidelma Fitzpatrick

Co-lead counsel for Ethicon MDL 2327 - Renee Baggatt and Tom Cartmell

Co-Lead counsel for Coloplast MDL 2387 - Riley Burnett, Mark Mueller and Robert Salim

Plaintiffs executive committee: Bryan Aylstock, Henry Garrard, Fred Thompson, Tom Cartmell, Clayton Clark, Amy Eskin, and Derek Potts

Plaintiffs Co-liaison counsel: Harry Bell, Paul Farrell and Carl Frankovitch

Defendants

Lead counsel for C. R. Bard, Inc., MDL 2187 - Deb Moeller and Richard North

Lead counsel for American Medical Systems MDL 2325 - Barbara Binis

Lead counsel for Boston Scientific MDL 2326 - Robert Adams and Jon Strongman

Lead counsel for Ethicon MDL 2327 - Christy Jones

Defendants Liaison counsel: Michael Bonasso, David Thomas and Michael Farrell. Mark Williams defendants liaison

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counsel in the Bard MDL.
Counsel for Mentor: Matt Moriarty

Additional counsel present
Cliff Merrell, Deft Bard
Phil Combs, Defts counsel
William F. Bottoms, Defts counsel
Erik W. Legg, Defts counsel
Tracy Weiss, AMS
Ben Anderson, Defts counsel
Bryan Pratt, Counsel for Boston Scientific Corp
Melissa Foster Bird, Counsel for Bard/Sofradim
Elizabeth Taylor, Boston Scientific
Frederick Ferrard, Hernia mesh S & L
Regina Johnson, Pltfs
Elise Alpert, Pltfs
Mike Farrell, AMS
Tom Cartmell, Pltfs
Andrew Cross, Pltfs
Bret Stanley, Pltfs
Eric Hermanson, Proxy
Anthony E. Abeln - TEI Bioscience
Allen Fry - Atrium Medical
Dan Hays - Pltfs
Alan S. Lazar - Pltfs
Jessica Dareneau - TEI Bioscience
Russell Buttan - Pltfs
Jennifer Hageman - Proxy
Jim McKowen - Pltfs
Janet Kwuon - AMS
David Kuttles - Pltfs
Paul Cosgrove - Proxy
Ronn Kreps - Coloplast
Margaret Dawson - Coloplast
Samantha Owens - Coloplast
Laura Yeager - Pltfs, AMS
Riley Reed - Pltfs
Bryan McCall - AMS
Vince Carnevale - Pltfs, AMS

Agenda
General & Specific MDL Issues - Judge Goodwin
Tolling Agreement - Mr. Garrard addresses the issue

Agenda Issues for MDL 2325 (AMS)
Status of Plaintiff Profile Forms
Ms. Binis provides an update
The court directs liaison counsel to resolve this problem

Agenda Issues for MDL 2327 (Ethicon)
Johnson & Johnson/Ethicon Stipulation
Ms. Jones provides an update
Mr. Aylstock also provides an update
Discovery pool status
The court reviews previous statements concerning the discovery pool status
Bellwether cases: If both sides reach an agreement concerning changing a case, Judge Goodwin will work with counsel.

Agenda Issues for MDL 2387 (Coloplast)

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Report on case assessment program
Mr. Clark addresses this issue
Mr. Kreps also provides an update

Judge Goodwin provides an update concerning the order that dismissed ENDO from the member cases. Parties are asked not to list ENDO on short form complaints.

General & Specific MDL Issues - Judge Eifert
Cross utilization of documents produced in various MDLs
Defendants are permitted to file a position statement by April 23, 2013
A reply to all may be filed by Pltfs - April 29, 2013

MDL 2326 Boston Scientific does not have any discovery issues to discuss

Agenda Issues for MDL 2327 (Ethicon)
Preservation of documents and tangible matters order
Deposition scheduling and coordination with state court proceedings
Update provided by Mr. Aylstock and Ms. Jones.

Agenda Issues for MDL 2325 (AMS)
Ms. Binis provides an update on the product exemplars
Outside US production report - update provided by Janet Kwuon
Ms. Eskin also provides an update

Database - Laura Yeager, counsel for Pltfs, briefs the court on AMS database issues
Ms. Kwuon provides an update for the court concerning the structure of the database.
The technology administrator for AMS addresses the issues of the database.
The court ORDERS the technology support staff for the Pltfs and Defts in AMS to meet and work to resolve this problem within 14 days of this status conference.
The Pltfs' motion for the database is DENIED.
The motions for sanctions can be filed 2-3 weeks after the meeting to resolve database issues.
Ms. Fitzpatrick addresses an issue concerning custodial files.
Ms. Kwuon provides an update on this issue.
If these custodial files do not exist an affidavit must be filed by the Defts.

Mr. Garrard and Mr. Farrell address a confidential deposition issue in MDL 2187 Bard
Mr. North will contact Mr. Garrard within 24 hours to discuss this matter.
The deposition transcript may be sent to Judge Eifert.

Next status conference will be held on May 23, 2013 @ 10:00 a.m.
End time 11:50 a.m.